REMARKS/ARGUMENTS

Claims 14-27 have been examined and finally rejected. The present response, submitted with a Request for Continued Examination (RCE), amends claims 14, 21 and 27 and adds new claims 28-33. Claims 1-13 were previously withdrawn. Accordingly, claims 14-33 are now pending. Reconsideration and allowance of all pending claims are respectfully requested.

The undersigned thanks the Examiner for her courtesy in the telephone conference of March 16, 2004. Although agreement was not reached, the undersigned had an opportunity to present his view of the distinctions between the pending claims and the cited references. Limitations have been added to claims 14 and 21 along the lines discussed in the telephone conference. Also the specification has been amended to reflect the Examiner's concern that the related application data specify the application number.

Claims 14 and 21 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,253,262 issued to Rozario ("Rozario" hereinafter). The final office action also relies on U.S. Patent No. 5,115,499 issued to Stiffler, et al. ("Stiffler" hereinafter) in traversing remarks made by Applicants. It is respectfully submitted that claims 14 and 21 recite features neither disclosed nor suggested by the Rozario and Stiffler references and that the rejection should be withdrawn.

For example, claims 14 and 21 recite that data is both read from a memory device and that said data is transferred to a next lower priority list "*without movement between storage cells.*" By contrast, in the buffer 102 of Rozario, 1) there is no movement of data between the priority lists and 2) individual data items actually move between storage cells as they progress toward being output from the buffer. The movement of data within buffer 102 is explained at column 8 lines 26-52 and at column 2. Data shifts to the right to progress toward the buffer output. Data may also shift to the left if low priority data must make room for a new high priority data item. In no case does a high priority data item move to the other priority list as required by claims 14 and 21 or move at all without shifting between storage cells as also

required by claims 14 and 21. The citation to the Stiffler reference does not identify the features missing from Rozario.

Claims 14 and 21 have been further amended to recite that after reading and transferring to the lower priority list, the data is maintained on the lower priority list in the memory device. This puts these claims in even greater contrast to the Rozario patent where data read from the memory device is no longer available, having been shifted out of the memory device. This is further reason for the allowability of claims 14 and 21.
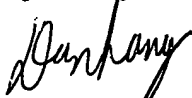
Embodiments of the present invention can be advantageously used in e.g., an automatic retransmission system where incorrectly received data can be retransmitted. Each data item may represent a task consisting of the retransmission of a particular packet. A packet may be retransmitted more than once but it may be desirable to service each retransmission task N times before any packet is retransmitted N+1 times. A memory scheme according to the present invention can fulfill this requirement readily by making the highest priority list include retransmission tasks waiting to be performed an Nth time and the next highest priority list include retransmission tasks waiting to be performed an N+1th time where all retransmission tasks have already been performed N-1 times. When a retransmission task is performed it must shift to the next lower priority list. A memory design as presented in Rozario cannot support such a retransmission scheme since once a task-representing data item is shifted out of the buffer it is no longer present there. By contrast, by maintaining data on the lower priority list within the memory device, a memory design according to the present invention can order repeated retransmissions according to the desired rule.

Claims 15-20 and 22-27 have been rejected under 35 U.S.C 103(a) as being unpatentable over Rozario in view of U.S. Patent No. 6,253,262 issued to Sherlock ("Sherlock" hereinafter). Claims 15-20 and 22-27 depend from claims 14 and 21. The Sherlock patent does not remedy the deficiencies of Rozario with respect to claims 14 and 21. Accordingly, claims 15-20 and 22-27 are allowable for at least the reason of their dependence from allowable claims 14 and 21.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,

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